

## **REMARKS**

### **I. Status of the Claims:**

Claims 1-6, 10, 12-24 and 26-31 were pending in the application prior to this submission, claims 7-9, 11, 25 and 32-43 having been previously withdrawn from consideration due to a Restriction Requirement. The Examiner has objected to claim 17, and claims 1-6, 10, 12-16, 18-24 and 26-31 were rejected by the Examiner in the prior Non-Final Office Action.

By this Amendment, independent claims 1 and 18 have been amended. Claims 2, 17, 19-24 and 26-31 have been cancelled without prejudice or disclaimer in order to expedite prosecution. No new matter has been introduced, and thus, entry and consideration of this Amendment are respectfully requested.

### **II. Response to Claim Objections:**

The Examiner has objected to claim 17 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the based claims and any intervening claims.

Applicants acknowledge the indication of allowable subject matter in claim 17.

### **III. Response to Claim Rejections under 35 U.S.C. §101:**

Claims 19 and 20 were rejected under 35 U.S.C. §101. More specifically, the Examiner alleges that the present invention, as recited in claims 19 and 20, is directed to non-statutory subject matter in view of current USPTO guidelines on patentable subject matter.

Rejected claims 19 and 20 were canceled without prejudice or disclaimer in this Amendment, and therefore, Applicants respectfully request that the 35 U.S.C. §101 rejection to claims 19 and 20 now be withdrawn.

### **IV. Response to Claim Rejections under 35 U.S.C. §102:**

Claims 1-6, 13, 15, 18-20 and 31 were rejected under 35 U.S.C. §102(b) as being anticipated by Nakamura (U.S. 6,337,951, hereafter "Nakamura"). Claims 21, 28 and 29 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hoshino *et al.* (U.S. 2003/0095032, hereafter "Hoshino"). More specifically, the Examiner alleges that each and every limitation of claims 1-6, 13, 15, 18-21, 28 and 31 is anticipated by the Nakamura and Hoshino references.

Rejected claims 2, 19, 20 and 31 were canceled without prejudice or disclaimer in this Amendment. Independent claims 1 and 18 have been amended to include the limitations of claim 17, which was indicated as containing allowable subject matter in the prior Office Action.

In view of the above, Applicants assert that independent claims 1 and 18 are allowable at least in view of the inclusion of the claim 17 limitations. The remaining claims still pending in the present application are also allowable due to their dependence on claims 1 or 18.

As a result, Applicants respectfully request that the 35 U.S.C. §102(b) rejections to claims 1-6, 13, 15, 18-21, 28 and 31 now be withdrawn.

**V. Response to Claim Rejections under 35 U.S.C. § 103:**

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakamura in view of Needham (U.S. 7,248,285, hereafter "Needham"). Claims 12, 14 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakamura in view of Hoshino. Claims 22-24, 26 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoshino in view of Nakamura. Claim 30 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoshino in view of Goldberg (U.S. 6,526,158, hereafter "Goldberg"). More specifically, the Examiner alleges that claims 12, 14, 16, 22-24, 27 and 30 are obvious in view of various combinations of the Nakamura, Needham, Hoshino and Goldberg references.

Rejected claims 22-24, 27 and 31 were canceled without prejudice or disclaimer in this Amendment. Claims 12, 14 and 16 depend from independent claim 1, and are therefore asserted to be distinguishable from the references cited by the Examiner, taken alone or in combination, at least in view of the arguments previously set forth with respect to claim 1.

In view of the above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejections to claims 12, 14, 16, 22-24, 27 and 30 now be withdrawn.

**CONCLUSION**

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-5284.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No 13-4500, Order No. 1232-5284.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

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By: \_\_\_\_\_

  
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